



**TOWN OF WEARE**  
PLANNING BOARD  
ZONING BOARD OF ADJUSTMENT  
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Naomi L. Bolton  
Land Use Coordinator

**Office Hours:**  
Monday  
thru  
Friday  
8 AM – 4:30 PM

**PLANNING BOARD  
MINUTES  
JULY 30, 2009  
(Approved as written 8/27/09)**

**PRESENT:** Chairman Craig Francisco; Tom Clow, Exofficio; Neal Kurk; Naomi Bolton, Land Use Coordinator

**GUESTS:** Michael Dahlberg, LLS; Bruce Fillmore; Nancy Fillmore; Dick Fraser; Douglas Wilkins; Matthew Cammack; Michelle Cammack; Shannon McManus; Joyce A. Lanier; Mark R. Lanier; Scott Lanier; Francesca Bolton; Chris Bolton; Doug Hatch; Joan Hatch; Rob Howard; Art Siciliano

**I. CALL TO ORDER:**

Chairman Craig Francisco called the meeting to order at 7:03 PM at the Weare Town Office Building.

**II. PUBLIC HEARING:**

MT. WILLIAM, INC. – CONCEPTUAL HEARING, RIVER ROAD, TAX MAP 409-004: Chairman Francisco opened this hearing at 7:04 PM. Chris Bolton was present. Mr. Bolton stated that he is here tonight to get the feeling of the planning board on a proposed project. He would like to permit an asphalt plant at Mt. William. He would like to produce asphalt for the roads. He has Mike Dahlberg present to show the site plan. He also has Dick Fraser from One Source Properties and Permitting that will be doing all the state and federal permitting. He has Bruce Fillmore who will be doing all the local permitting with the Town. Mr. Bolton then asked Mr. Dahlberg to show the board the layout of the proposal. The plan shows a typical asphalt plan layout. The board asked questions of Richard Frasier, Mike Dahlberg and Mr. Bolton. Mr. Bolton offered to take the board on a site visit of a currently operating asphalt plant in Pembroke so the board would get a better understanding of the operation, smell, noise, etc. The board was interested in scheduling a site visit. Mr. Bolton offered to contact the plant owner to see what would be the best time to see the operation at it's busiest and get back to Naomi with some times and dates. Chairman Francisco closed this hearing at 7:41 PM.

MARIANNE OR CHRISTINE RICE (ATTORNEY ROB HOWARD) – CONCEPTUAL HEARING, 64 RESERVOIR DRIVE, TAX MAP 201-009: Chairman Francisco opened this hearing at 7:42 PM. Attorney Rob Howard was

present. Attorney Howard explained that in 1970 Margaret Drown acquired the parent parcel. In 1972 Ms. Drown conveys 1.7 acres to Christine and Edgar Rice. Shortly after that Ms. Drown dies and Christine is executrix of the estate. In 1979 Ms. Rice came before the Planning Board and got Lot A – 1.3 acres approved. In December of 1979 Ms. Rice conveyed the 1.3 acre lot. In 1980 Ms. Rice conveyed 3.2 acres subject premises to herself and Edwin using the plan description and reference in plan to be recorded. At this time, Christine and Edwin were the owners of the adjacent 1.7 acre parcel. In 1981 a plan was shown to the Planning Board showing lots “a” and “b” for information only. Ms. Rice explained that these lots are already separate deeds and was advised that no planning signature was required. In October of 1982 the 1.7 acre lot was sold from Ms. Rice to Morgan. In December of 1983 Ms. Rice conveyed to Mr. Rice the 3.2 acre parcel. In July of 1988 Mr. Rice puts Marianne on deed and in May of 2009 Marianne Rice sold the 3.2 acre parcel with buildings to Nagel. Attorney Howard would like to clear up or at least straighten out the title to these lots. Chairman Francisco stated that he felt the Planning Board can’t approve a plan because it doesn’t meet the minimum lot size with reference to frontage and size, so it would appear that the only way to solve it would be to apply for a variance to allow the non-conforming lots then to the Planning Board to approve it and record a new plan to solve the deed issue. Attorney Howard stated that he could just leave it but 10 years from now if anyone of the 3 owners would like to sell their houses the title search will crop up this error. The board agreed that the first step would be to apply for a variance for the lot sizes and frontages as necessary. Chairman Francisco closed the hearing at 8:03 PM.

NEW CINGULAR WIRELESS (OWNER: JOHN J. MOODY) – SITE PLAN REVIEW (CONTINUED HEARING), FOREST ROAD, TAX MAP 411-290:

Chairman Francisco opened this hearing at 8:04 PM. Douglas Wilkins, attorney was present. Attorney Wilkins went through the outstanding items from the June 25<sup>th</sup> meeting. Attorney Wilkins stated that as far as the issue for the Town use. His client stated that they can install two (2) whip antennas not to exceed 20’ and they would be located between 50 & 70 feet from the top. Attorney Wilkins stated that the Town would file an intent with AT & T but the Town would have to pay for a structural engineer’s review to ensure that what the Town would be adding to the tower would not create a problem with the safety of the structure. What Attorney Wilkins suggested we do is if the Town wants to invoke that option they could leave it open and correspond with each other.

Naomi stated that she will talk to Police, Fire and Highway to see if there is any interest on putting town equipment of this tower.

Tom Clow moved to approve the site plan subject to the following conditions:

- State wetlands permit
- Note on Sheet #04 needs to show how the bank is going to be stabilized, loamed and seeded when the project is done.
- Post removal bond (the then current cost plus 15%)

Neal Kurk seconded the motion. Vote: unanimous in favor

Neal Kurk moved that the Planning Board determine per Article 32.7.7 that any array located on this monopine shall have a diameter of no more than 14 feet, exclusive of the diameter of the mount, as long as it does not materially impair, the visual impact of the citing provided that the antennas it is within the structure of the monopine; Tom Clow seconded the motion. Vote: unanimous in favor.

Chairman Francisco closed this hearing at 8:40 PM.

MARK & JOYCE LANIER – SUBDIVISION, CONCORD STAGE ROAD, (RT. 77), TAX MAP 403-159: Chairman Francisco opened this hearing at 8:42 PM. Art Siciliano was present. Mr. Siciliano explained that his client owns 22.27 acres on the south side of Route 77. They are proposing to subdivide this into 3 lots. The plans turned in showed a shared driveway up the middle lot. After going to Conservation Commission meeting the shared driveway as original laid out would require three (3) wetlands crossings and the new proposed location only requires two (2). Mr. Siciliano stated that he will be going back to the Conservation Commission with a completed application for the wetlands crossing. Tom Clow moved to accept the application as complete; Neal Kurk seconded the motion, all in favor.

Chairman Francisco pointed out that Article 4 states the driveway must come off the frontage that was used to create the lot. Therefore a variance would be needed unless the lots could be reconfigured to have the shared driveway on the same frontage/lot line.

Abutter Doug Hatch stated that he is very concerned with the wetlands crossings and that he felt this new driveway location would severely flood the Reynwood Lane residents. He is concerned that if the driveways are constructed like the plans he has with the driveway but pushing the driveway towards Reynwood Lane is shifting the water. Their concern is if the driveway is along the middle that was ok but if you are going to install it along the upper portion it has the potential of flooding them more. Basically their bottom line is the potential for flooding.

The board came up with the following outstanding items:

- ZBA for wetland buffer and shared driveway
- Details on culverts will be needed due to the abutters concerns
- Add current use note
- Change required table to meet residential requirements

Tom Clow moved to continue this hearing to August 27, 2009; Neal Kurk seconded the motion, all in favor. Chairman Francisco closed this hearing at 9:20 PM.

BURT & JANET & ROBERT & VICTORIA BROWN – LOT LINE ADJUSTMENT, ORCHARD PATH ROAD, TAX MAP 408-118 & 408-

118.001): Chairman Francisco opened the hearing at 9:21 PM. Burt and Bob Brown were present. Mr. Brown explained to the board that approximately six (6) years ago Bob built a house on his lot and about 4 years ago he built one on the right. At the time the regulations required 200 feet of frontage, which is required them to extend the existing Town road approximately 350 feet in order to be able to create two lots. Mr. Brown came to the board this spring looking for a bond reduction, now that the regulations have changed and the lots only need 50' of road frontage. The Planning Board agreed to the bond reduction with the condition that Mr. Brown file a new plan within six months, which is this plan. Mr. Brown stated that he would really like to not have to pave this small extension and leave it a private access. The board explained that in order to be compliant with the zoning regulations the 50 feet must be on a Town maintained road, therefore not paving and leaving it as is can not happen. The abutters to left of the property are in agreement and they would like to see everything left as it is today. The board discussed the possibility of acquiring some of the abutter's frontage so that each lot would have the 50 feet on the existing turn around and there would be no pavement or new turn around required. The issue that might be a hurdle is that the properties are zoned rural agricultural and they require a 5 acre minimum today, and the abutter's lot only has approximately 3 acres. The probably could do some sort of swap, equal size for equal size. The Browns and the abutter would like to pursue this option and come back. Tom Clow moved to continue this hearing to August 27, 2009; Neal Kurk seconded the motion, all in favor. Chairman Francisco closed this hearing at 9:55 PM.

**III. OTHER BUSINESS:**

JULY 9, 2009 MINUTES: These minutes will be taken up at the August work session, due to the board members needed to vote on these are not present.

**IV. ADJOURNMENT:**

As there was no further business to come before the board, Neal Kurk moved to adjourn at 9:56 PM; Tom Clow seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Land Use Coordinator